

IN THE DRAWINGS:

Please amend the drawings as follows. Drawing replacement sheets are being submitted for Figures 1 through 12S2 with the concurrently submitted Letter to the Office Draftsperson. Further, Figures 1, 8, 9, 10A, 10B and 10C are being amended. Specifically, in Figure 1, one of each of duplicate numerals 203 and 204 and corresponding lead lines have been deleted. In Figure 8, the numerals 410a, 422a, 426a, 436a, 446a, 450a, 4171, 4172 and corresponding lead lines have been added, and the distance “d” and corresponding indicating lines have been added. In Figure 9, the numerals 410a, 422a, 426a, 436a, 446a, 450a, 4171, 4172 and corresponding lead lines have been added, and the distance “d” and corresponding indicating lines have been added. In Figure 10A, the numerals 510a1, 550a1, 5171a, 5172a, 5173a have been added, the distance “d” and corresponding indicating lines have been added, and extraneous lines near the connecting surface 5171a have been deleted. In Figure 10B, the numerals 510a1, 550a1, 5171a, 5172a, 5173a have been added, and the distance “d” and corresponding indicating lines have been added. In Figure 10C, a parenthesis “)” adjacent to the numeral 580a2 had been deleted. Entry of the drawing amendments and replacement drawing sheets for Figures 1 through 12S2 are respectfully requested.

REMARKS

The above amendments along with the following remarks are being submitted as a full and complete response to the Office Action dated May 13, 2005 (Paper No. 20050508).

Applicant has previously elected the continuing prosecution of Group I and Species Group 1, Figures 7-10B, without traverse.

As to the requirement to identify a listing of the claims of the elected Species Group 1, Figures 7-10B, Applicant respectfully submits that the following Claims read on the elected Group I, Species Group 1, Figures 7-10B: Claims 1 through 8, 24, 34, 40 through 47, 63 and 73. Also, new Claims 80 through 84 and 95 through 99 read on the elected Group I, Species Group 1, Figures 7-10B, as well as on other of the non-elected species.

Applicant further respectfully submits that of the aforementioned claims reading on the elected Group I and Species Group 1, Figures 7-10B, the following claims are generic claims as to the elected Group I: Claims 1 through 7, 34, 40 through 46 and 73.

The claims not readable on the elected Group I and Species Group 1, Figures 7-10B, namely Claims 9 through 14, 16 through 23, 25 through 33, 35 through 39, 48 through 53, 55 through 62, 64 through 72, 74 through 79 and new Claims 85 through 94 and 100 through 109 have been withdrawn from further prosecution without prejudice or disclaimer.

However, it is respectfully submitted that, other than withdrawn method Claim 79, the withdrawn Claims 9 through 14, 16 through 23, 25 through 33, 35 through 39, 48 through 53, 55 through 62, 64 through 72, 74 through 78 and withdrawn new Claims 85 through 94 and 100 through 109 respectively ultimately depend on Claims 1 or 40 which Applicant respectfully submits are generic claims to these withdrawn Claims. Upon allowance of these generic Claims 1 and 40, Applicant respectfully requests consideration and allowance of these withdrawn claims.

Applicant hereby reserves the right to file divisional applications on any or all of these withdrawn claims or to additional claims directed to the subject matter of the non-elected Species Groups 2 through 30 and Group II identified in Paragraphs 1 and 4 of the Office Action dated February 25, 2005 (Paper No. 20050219).

Examiner Interview

On September 8, 2005 an interview was conducted with Examiner Mah in relation to the above-identified application. The general substance of the interview is as set forth in the

Interview Summary of that date. Proposed amendments to Claims 1 and 40 and proposed new claims were presented, and a model of a species of the claimed invention and a model of a known rongeur, illustrating a known handle, were shown during the interview. Attached to this response, as "Attachment A", is a photocopy of the model of a species of the claimed invention. Also, the applied references of U.S. Patent No. 6,161,256 to Quiring et al., U.S. Patent No. 5,445,479 to Hillinger, and U.S. Patent No. 5,125,878 to Wingate et al., as well as U.S. Patent 6,129,740 to Michelson, of record. The assistance of the Examiner is greatly appreciated.

Information Disclosure Statement:

Submitted concurrently with this response is an Information Disclosure Statement including for formal consideration by the Examiner a photocopy of a known rongeur, illustrating a known handle, shown to the Examiner during the interview on September 9, 2005. Entry and consideration of this Information Disclosure Statement is respectfully requested.

Status of the Claims

As outlined above, Claims 1 through 14, 16 through 53 and 55 through 109 are presently pending in this application. Claims 15 and 54 have been previously cancelled without prejudice or disclaimer, and Claims 9 through 14, 16 through 23, 25 through 33, 35 through 39, 48 through 53, 55 through 62, 64 through 72 and 74 through 79 have been previously withdrawn from consideration. Also, new Claims 85 through 94 and 100 through 109 are withdrawn from consideration as being directed to non-elected species. Claims 1, 2, 4 through 9, 19, 25 through 27, 29 through 33, 37, 40, 41, 43 through 48, 58, 64 through 66, 68, and 69 through 72, including withdrawn Claims 9, 19, 25 through 27, 29 through 33, 37, 48, 58, 64 through 66, 68 through 72, are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention. Also, new Claims 80 through 84 and 95 through 99 are being added which read on the elected Group I, Species Group 1, Figures 7-10B, as well as on other of the non-elected species. Entry of the amendments to Claims 1, 2, 4 through 9, 19, 25 through 27, 29 through 33, 37, 40, 41, 43 through 48, 58, 64 through 66, 68, and 69 through 72, including withdrawn Claims 9, 19, 25 through 27, 29 through 33, 37, 48, 58, 64 through 66, 68 through 72, and entry of new Claims 80 through 109, including withdrawn new Claims 85 through 94 and 100 through 109, are respectfully requested.

Applicant hereby reserves the right to file divisional applications on any or all of the subject matter of the withdrawn claims. It is understood that, should any of the generic claims be allowed, the withdrawn claims will automatically be restored in this application and be allowed with the elected claims.

Also, it is respectfully noted that further amendments have been made to the claims, and additional new claims have been added, from those proposed at the September 8, 2005 Examiner Interview.

Authorization to Cancel Withdrawn Method Claim 79

As mentioned during the interview of September 9, 2005, if after consideration of this amendment and response, the above identified application is in condition for allowance, including allowance all withdrawn claims other than withdrawn method Claim 79, Applicant hereby gives authorization for the Examiner to cancel method Claim 79, without prejudice or disclaimer of its subject matter, so that the above identified application can pass to issue.

Additional Amendments:

The Specification has been amended to correct formal errors and to better disclose and describe the features of the present invention. Entry of the amendments to the Specification is respectfully requested.

Also, drawing replacement sheets are being submitted for Figures 1 through 12S2 with the concurrently submitted Letter to the Office Draftsperson. Further, Figures 1, 8, 9, 10A, 10B and 10C are being amended to correct formal errors and to better disclose and describe the features of the present invention. Specifically, in Figure 1, one of each of duplicate numerals 203 and 204 and corresponding lead lines have been deleted. In Figure 8, the numerals 410a, 422a, 426a, 436a, 446a, 450a, 4171, 4172 and corresponding lead lines have been added, and the distance "d" and corresponding lines indicating the distance "d" have been added. In Figure 9, the numerals 410a, 422a, 426a, 436a, 446a, 450a, 4171, 4172 and corresponding lead lines have been added, and the distance "d" and corresponding lines indicating the distance "d" have been added. In Figure 10A, the numerals 510a1, 550a1, 5171a, 5172a, 5173a have been added, the distance "d" and corresponding lines indicating the distance "d" have been added, and extraneous lines near the connecting surface 5171a have been deleted. In Figure 10B, the numerals 510a1, 550a1, 5171a, 5172a, 5173a have been added, and the distance "d" and corresponding lines indicating the distance "d" have

been added. In Figure 10C, a parenthesis “)” adjacent to the numeral 580a2 had been deleted. Entry of the drawing amendments and replacement drawing sheets for Figures 1 through 12S2 are respectfully requested.

Formal Rejection

Claims 1 through 8, 24, 34, 40 through 47, 63 and 73 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In response the amendments to the Claims, including the amendments to Claims 1, 6, 8, 40, 45 and 47, include amendments that address this rejection under 35 U.S.C. §112, second paragraph. Therefore, withdrawal of the rejection of Claims 1 through 8, 24, 34, 40 through 47, 63 and 73 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Prior Art Rejection

Claims 1 through 6, 40 and 45 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,161,256 to Quiring et al., hereinafter the Quiring ‘256 Patent, or U.S. Patent No. 5,445,479 to Hillinger, hereinafter the Hillinger ‘479 Patent. This rejection is respectfully traversed.

Claims 1 through 8, 24, 34, 40 through 47, 63 and 73 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,125,878 to Wingate et al., hereinafter the Wingate ‘878 Patent. This rejection is respectfully traversed.

The above rejections of Claims 1 through 8, 24, 34, 40 through 47, 63 and 73 will be considered collectively.

It is respectfully submitted that the Quiring ‘256 Patent, the Hillinger ‘479 Patent and the Wingate ‘878 Patent do not disclose:

a handle or apparatus for use with a hand including: a proximal part having a first elongated body, the proximal part including a radial section, a middle section and an ulnar section forming a proximal side and a distal side of the first elongated body, a distal part having a second elongated body, the distal part including a radial section, a middle section and an ulnar section forming a proximal side and a distal side of the second elongated body, with a connecting surface of the proximal part on the proximal side of the first elongated body that connects the middle surface of the middle section of the proximal part to the ulnar surface of the ulnar section of the proximal part, and with the connecting surface extending proximally for a distance from a position at one end of the middle surface of the middle

section of the proximal part to a position at one end of the ulnar surface of the ulnar section of the proximal part; wherein the distance that the connecting surface extends is at least of a length whereby the ulnar surface of the ulnar section of the proximal part extends beyond the middle surface of the middle section of the proximal part on the proximal side of the first elongated body, and whereby the handle or apparatus is positioned within the hand without placing substantial pressure on the surface of the hand located over the carpal tunnel, as respectively recited in Claims 1 and 40.

In the Quiring '256 Patent, the handle cover 20 has two pads 40, one pad 40,42 adjacent to a rear portion of the handle portion 26 and one pad 40,44 adjacent to a rear portion of the barrel portion 24, for holding the drill 22 either by its handle portion 26 or its barrel portion 24. (Col 2, lines 15-33 and Figure 1 of the Quiring '256 Patent). Therefore, it is respectfully submitted that the Quiring '256 Patent discloses two pads 40,42 and 40,44, each for receiving a hand.

However, for each of the pads 40,42 and 40,44 of the handle cover 20 that can receive a hand, the Quiring '256 Patent does not disclose a connecting surface that extends proximally for a distance, such as respectively recited in Claims 1 and 40.

Also, as illustrated in Figure 1 of the Quiring '256 Patent, at a position where a hand would engage a respective pad of the pads 40,42 and 40,44, a middle section of the pad would extend beyond an ulnar section in the respective pads 40,42 and 40,44 of the handle cover 20.

Therefore, it is respectfully submitted that the Quiring '256 Patent does not disclose a connecting surface, such as recited in Claims 1 and 40, and the Quiring '256 Patent does not anticipate handles or apparatus of the present invention, such as recited in Claims 1 and 40.

Further, the Hillinger '479 Patent discloses a handle 34 that includes a front section 34A having a finger contoured front surface 34B and a resilient back section 34E. (Col. 7, line 62 – Col. 8, line 45 and Figures 2, 3, 5 and 6 of the Hillinger '479 Patent).

However, it is respectfully submitted that the back section 34 E of the Hillinger '479 Patent does not disclose a connecting surface that extends proximally for a distance, such as respectively recited in Claims 1 and 40. In this regard, the back section 34E of the handle 34 of the Hillinger '479 Patent, as illustrated in Figures 2, 3, 5, and 6, illustrates a surface configuration for the back section 34E that is substantially in alignment.

Therefore, it is respectfully submitted that Hillinger '479 Patent does not disclose a connecting surface, such as recited in Claims 1 and 40, and Hillinger '479 Patent does not anticipate handles or apparatus of the present invention, such as recited in Claims 1 and 40.

Further, the Wingate '878 Patent discloses a hand exercising apparatus that include an outer grip bar 20 and an inner grip bar 28, with a portion 45 of the outer cushion sleeve 44 on the outer grip bar 20 opposite area 46 is disclosed as fitting in the palm of the hand and being substantially rounded or oval in shape. (Col. 3, line 58 to Col. 4, line 46 and Figures 1 through 6 of the Wingate '878 Patent).

However, in the Wingate '878 Patent, it is respectfully submitted that the portion 45 of the outer cushion sleeve 44 on the outer grip bar 20 opposite area 46 that is disclosed as fitting in the palm of the hand (Col. 3, line 58 to Col. 4, line 46 and Figures 1 through 6 of the Wingate '878 Patent) does not disclose a connecting surface that extends proximally for a distance, such as respectively recited in Claims 1 and 40. In this regard, the portion 45 of the outer cushion sleeve 44 on the outer grip bar 20 opposite area 46, illustrates a surface configuration for the portion 45 that is substantially in alignment.

Therefore, it is respectfully submitted that the Wingate '878 Patent does not disclose a connecting surface, such as recited in Claims 1 and 40, and the Wingate '878 Patent does not anticipate handles or apparatus of the present invention, such as recited in Claims 1 and 40.

Therefore, withdrawal of the rejection of Claims 1 through 8, 24, 34, 40 through 47, 63 and 73 under 35 U.S.C. §102 (b) is respectfully requested.

Reconsideration and allowance of Claims 1 through 8, 24, 34, 40 through 47, 63, and 73, consideration and allowance of new Claims 80 through 84 and 95 through 99, and consideration and allowance of withdrawn Claims 9 through 14, 16 through 23, 25 through 33, 35 through 39, 48 through 53, 55 through 62, 64 through 72 and 74 through 79 and new withdrawn Claims 85 through 94 and 100 through 109, are respectfully requested.

Conclusion

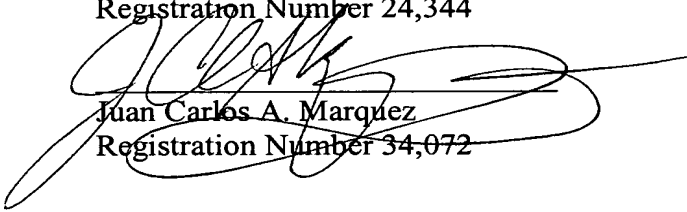
In view of all the above, Applicant respectfully submits that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor

rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344


Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
September 13, 2005

ATTACHMENT A

BEST AVAILABLE COPY

